

Remarks/Arguments

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed August 9, 2006. Claims 1, 15 and 20 have been amended, claim 5 has been cancelled and claims 21-25 have been added with this Response. As such, claims 1-4 and 6-25 remain pending. Claims 1 and 4-19 have been rejected, claims 2 and 3 have been objected to, and claim 20 has been allowed. The drawings have also been objected to.

Claim Amendments

Claims 1, 15 and 20 were amended and claims 21-25 have been added. Support for these amendments and new claims can be found, for example, in Figures 1 and 4 and the accompanying description in the specification. Applicants assert that new claims 21-23 are allowable over the cited prior art because these claims are dependent upon an allowable independent claim 1 and because they recite additional patentably distinct elements. Further, Applicants assert that claims 24 and 25 are allowable over Bagaoisan because all elements of these claims are not disclosed in this reference.

Drawings

The drawings were objected to under 37 C.F.R. 1.83(a). It was asserted that the drawings do not show every feature of the invention specified in the claims. Specifically, it was asserted that the collapsing of the filter around the distal end of the retrieval catheter is not shown in the drawings. This objection is apparently referring to claim 20. In the interest of advancing prosecution, this portion of claim 20 has been removed; Applicants assert that the current drawings and specification show every feature of all of the amended claims as required in the M.P.E.P.

Claim Objections

Claim 7 is objected to because the use of the phrase "the lumen" as it has not been previously recited. Claim 1, from which claim 7 depends, has been amended in order to provide for antecedent basis for this claim language. Applicants assert that this claim is now in condition for allowance.

Rejections under 35 U.S.C. §112

Claim 5 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 5 has been cancelled, rendering this rejection moot.

Rejections under 35 U.S.C. § 102

Claim 1 and 4-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bagaoisan et al., U.S. Patent No. 6,849,068. (Hereinafter “Bagaoisan”). Applicants respectfully traverse this rejection. In order for a reference to anticipate a claim, the reference must disclose each and every element of the claim. See M.P.E.P. §2131.

Bagaoisan discloses an aspiration catheter. The aspiration catheter can apparently have a variety of tip designs, for example those shown in Figures 8A-8C. For example, Figure 8C shows side ports 47 in the catheter. As stated at column 10, lines 48-50, “side ports 47 can be drilled along the distal tip of the catheter to enhance the aspiration rate, as illustrated in Figures 8C and 2.”

In contrast, claim 1 recites, in part, a filtration device that has an expanded configuration and a collapsed configuration, and the filtration device in its collapsed configuration is sized to fit within the shaft lumen. At least one of the one or more aspiration ports is located proximally of the filtration device when the filtration device is contained within the shaft lumen.

Nothing in Bagaoisan appears to disclose such a relationship between a filtration device and aspiration ports. In fact, it does not appear that Bagaoisan discloses the placement of a filter in an aspiration catheter at all. (For example, see column 12, lines 53-57, where it appears as though Bagaoisan is describing the removal of the aspiration catheter before the removal of any occlusion device.) Because a filter does not appear to be disclosed as being placed in an aspiration catheter in Bagaoisan at all, this reference cannot possibly disclose the relationship between a filtration device and an aspiration port as recited in claim 1. As such, Bagaoisan does not appear to disclose all elements of claim 1 and this claim is allowable over this reference. Because they are dependent on claim 1 and because they recite additional patentably distinct elements, Applicants also assert that claims 2-4 and 6-14 are allowable over this reference.

Claim 15 recites, in part, a method for extracting debris from the vasculature comprising the step of inducing suction at the proximal end of the elongated shaft while the distal end and the distal region of the elongated shaft traverse past the target site thereby extracting debris from the lumen of the blood vessel and subsequent to the inducing step, deploying said filtration device. No such method appears to be disclosed in Bagaoisan. In fact, it appears as though any occlusion device in Bagaoisan is deployed before any aspirating is performed, not after. Therefore, Applicants assert that all steps of the method of claim 15 are not disclosed in Bagaoisan, and this claim is allowable over this reference.

Claim 16 recites, among other elements, an elongated shaft having an inflation lumen, an aspiration lumen and a wire lumen along with a balloon disposed about a region of the elongated shaft. This is a total of three different lumens with a balloon in one elongated shaft. This combination of elements is not disclosed in Bagaoisan, and as such this claim is allowable over this reference. Because they are dependent on claim 16 and because they contain additional patentably distinct elements, Applicants also assert that claims 17-19 are allowable over this reference.

Allowable Claims

It was stated in the Office Action that claim 20 is allowable. Applicants thank the Examiner for allowing this claim. As mentioned above, this claim has been amended in order to address a claim objection. Applicants assert that Bagaoisan does not disclose all elements of amended claim 20, and as such this claim remains allowable.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

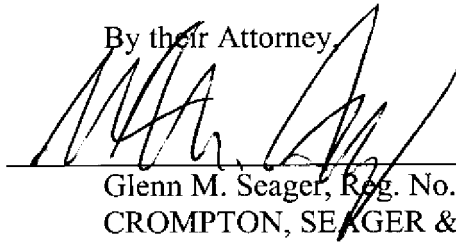
Respectfully submitted,

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